



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-क

वर्ष १, अंक १५]

गुरुवार, एप्रिल २३, २०१५/वैशाख ३, शके १९३७

[पृष्ठे २०, किंमत : रुपये १.००

असाधारण क्रमांक ३६

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले

(भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर)

वैधानिक नियम व आदेश ; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क), जिल्हादंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

FOOD, CIVIL SUPPLIES AND CONSUMER PROTECTION DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya Annexe

Mumbai 400 032, dated the 22nd April 2015

Order

ESSENTIAL COMMODITIES ACT, 1955.

No. ECA. 2010/CR-198/CS-23.—Whereas the Government of Maharashtra issued one consolidated order in the public interest namely Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order, 1998 in place of six orders namely :—

(i) Foodgrains Dealers' Licensing Order, 1963, (ii) the Maharashtra Sugar Dealers' Licensing Order, 1963, (iii) the Maharashtra Gur and Khandsari Dealers' Licensing Order, 1963, (iv) the Maharashtra Hydrogenated Vegetable Oils Dealer's Licensing Order 1970, (v) the Maharashtra Scheduled Oilseeds and Oils (Dealers : and Millers) Licensing Order, 1977 and (vi) the Maharashtra Pulses (Dealers and Millers) Licensing Order, 1977 ;

And Whereas, the Government of Maharashtra now decides to reconstruct the Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order, 1998;

Now, therefore, in exercise of the powers conferred by clauses (c),(d),(e), (h) (i), (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Industries and Civil supplies (Department of Civil Supplies and Co-operation) order No. S. O. 681 (E), dated the 30th November, 1974 and Order No. S. O. 682 (E), dated 30th November, 1974 and the Government of India Ministry of Agriculture and Irrigation (Department of Food) Order No. G. S. R. 800, dated 9th June 1978 and of all other powers enabling it in this behalf and in supersession of all the previous Orders issued in this behalf, and with the

prior concurrence of the Central Government *vide* its letters dated 7th August 2014 and 5th September 2014, the Government of Maharashtra hereby makes the following order, namely :—

(1) *Short Title, Extent and Commencement* :—(1) This Order may be called the Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order, 2015.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force from the date of its publication in the *Official Gazette*.

2. *Definitions*.—In this Order unless the context otherwise requires,—

(a) "Collector" in Mumbai Rationing Area means the Controller of Rationing and includes any Deputy or Assistant Controller of Rationing and elsewhere means the Collector of the district and includes and Additional Collector, the District Supply Officer, an Assistant District Supply Officer, the Tahsildar and such other officer or officers as may be authorised by the Collector in this behalf within their respective jurisdiction;

(b) "Commencement date" means the date of commencement of this order;

(c) "Commissioner" means Commissioner for a Division appointed under the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) and includes Deputy Commissioner (Supply);

(d) "Dal Mill" means the plant and machinery with which and the premises (including the precincts thereof) in which or in any part of which a process of milling of pulses is being carried on or is ordinarily so carried on ;

(e) "Dealer" means any person engaged in the business of purchase, movement, sale, supply, distribution or storage for sale of any one or more of the scheduled commodities whether as a wholesaler or retailer or producer or manufacturer or exporter or importer and whether or not in conjunction with any other business and includes his representative or agent, but does not include a producer or miller or manufacturer or importer or exporter of sugar ;

(f) "Edible Oil" means any oil used for cooking for human consumption and includes hydrogenated vegetable oils ;

(g) "Edible Oilseeds" means seeds from which edible oils are prepared ;

(h) "Existing licence" means a licence issued under the Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order 1998, and in force on the commencement date ;

(i) "Foodgrains" means any one or more of the foodgrains specified in the schedule appended to this order including products of such foodgrains other than husk and bran and also includes seeds of such foodgrains which are certified or truthfully labelled under the provision of Seeds Act, 1966 (54 of 1966) and the rule made thereunder ;

(j) "Form" means a form appended to this order ;

(k) "Government" means the Government of Maharashtra ;

(l) "Gur" means article commonly known as gur, gol, jiggery, rab and jaggery powder or shakkar, including uncrystallised sugar in any other form, comprising of original and convertible molasses and other impurities, inherent of foreign prepared by boiling sugarcane juice but does not include raw sugar and Palmyra jaggery ;

(m) "Khandsari" means a sugar in the manufacture of which neither vacuum pan or a vacuum evaporator is employed ;

(n) "Licence" means a licence granted under this Order ;

(o) "Licensee" means a person holding a licence ;

(p) "Licensing Authority" in relation to any area forming part of the Mumbai Rationing Area, means any officer not below the rank of Assistant Controller of Rationing who may be appointed to be licensing authority for that area by the Controller of Rationing

and in relation to any other area means the Tahsildar having jurisdiction over that area or any other officer not below the rank of Tahsildar, Food Distribution Officer, Pune, Solapur and Nagpur who may be appointed either by Collector or Government to be licensing authority for that area ;

(q) “Miller” mean the owner, occupier or any other person in charge of dal mill or an oil mill or Roller flour mill or rice mill ;

(r) “Monthly grinding capacity” means daily grinding capacity of a Roller Flour Mill multiplied by twenty-five days ;

(s) “Mumbai Rationing Area” means the area specified as such in Schedule ‘A’ to the Maharashtra Foodgrains Rationing (Second) Order, 1966 ;

(t) “Oil mill” means the plant and machinery with which and the premises (including the precincts thereof) in which or in any part of which a manufacturing process of extracting oil from scheduled oil-seeds is being carried on or is ordinarily so carried on, with or without the aid of power ;

(u) “Producer” means a person carrying on business of milling any of the pulses or expelling extracting, manufacturing or refining any edible oils—

(i) by buying pulses or edible oilseeds for being processed by himself and selling the finished products to wholesaler or through a commission agent ; or

(ii) by doing any of the processes of milling, expelling, extracting, manufacturing or refining on behalf of another ;

(v) “Pulses” means any one or more of the pulses specified in schedule or any other Dal whether whole or split with or without husk ;

(w) “Roller Flour Mill” means a flour mill in which disintegration of wheat is done by grooved steel or iron rollers worked by power ;

(x) “Rice mill” means the plant and machinery with which and the premises, including the precincts thereof, in which or in any part of which, rice milling operation is carried on ;

(y) “Schedule Commodity” means any of the commodities specified in Schedule, appended to this Order ;

(z) “Sugar” means.—

(i) any form of sugar containing more than ninety per cent of sucrose including Khandsari sugar, sugar candy and bura sugar ;

(ii) any sugar of crystalline structure ;

(iii) Sugar in process in vacuum pan sugar factory of raw sugar produced therein.

(za) “Wholesale Dealer” means.—

(i) In relation to foodgrains a person who carries on business of purchase, sale or storage for sale anyone or more varieties of foodgrains in quantities of 50 quintals or more in aggregate at any one time ; to other dealers or other persons for sale and includes a commission agent or a sub wholesaler, who holds stocks of foodgrains for such sales in the conduct of his business ;

(ii) In relation to sugar, a person who carries on business of purchase, sale or storage for sale of sugar in quantities exceeding ten quintals at any one time, but does not include an industrial undertaking which is engaged in the manufacturer or production of sugar and which is registered or licensed under the Industries (Development Regulation) Act, 1951 ;

(iii) In relation to gur and Khandsari, a person who carries on business of purchase, sale or storage for sale of gur and Khandsari in quantities exceeding two hundred fifty quintals in aggregate at any one time and includes a commission agent who holds stocks of gur and Khandsari for sale in the conduct of his business ;

(iv) In relation to hydrogenated vegetable oil, a person who whether for commission, remuneration or otherwise carries on the business of purchase, sale or storage for sale of any hydrogenated vegetable oil, or oils in quantities exceeding 150 kilograms at any one time to other dealers or other persons at wholesale rate ;

(v) in relation to pulses, a person who carries on the business of purchase, sale or storage for sale of pulses in quantities exceeding five quintals in the aggregate at any one time and sales them to any other dealer or person for sale and includes a dal miller and a commission agent who holds such stocks of pulses at any one time in the conduct of his business ;

(vi) in relation to any edible oil seeds or edible oils a person who, whether for commission, remuneration or otherwise carries on the business of purchase, sale or storage for sale of edible oilseeds or edible oils in quantities exceeding twenty quintals at any one time to other dealers or other persons at wholesale rates and includes a commission agent or a sub-wholesalers who holds stocks of edible oilseeds or edible oils in the conduct of his business.

3. *Licensing of Wholesale Dealers.*—No person shall carry on business as a wholesale dealer in anyone or more of the scheduled commodities except in accordance with the terms and conditions of all licence under this order :

Provided that,—

(a) a person holding an existing licence for carrying on business as a wholesale dealer in any of the scheduled commodities may continue to do so without a licence till the expiry of ninety days from the commencement date ;

(b) a person referred to in clause (a) who applies for a licence before the expiry of period referred to in clause (a) or a licensee who applies for the renewal of his licence in accordance with the provisions of clause 6, may, till his application is rejected continue to carry on business as a wholesale dealer without a licence in the scheduled commodities in respect of which he has applied for a licence or for renewal thereof :—

Provided further that nothing in this clause shall apply to a commission agent who does not retain any consignment of foodgrains, pulses, edible oilseeds, edible oil, Sugar, Gur and Khandsari received by him for a period exceeding fifteen days from the date of its receipt.

4. *Issue of licence.*—(1) Every application for a licence shall be made to the licensing authority in from 'A'. Every such application shall be accompanied by a fee Rs.1,000 per commodity i.e. (1) foodgrains, (2) sugar, (3) gur and Khandsari, (4) hydrogenated vegetable oil, (5) edible oils and (6) pulses.

(2) Every licence shall be issued in form 'C' and shall be subject to the conditions specified therein.

5. *Period of Licence and Fees Chargeable.*—(1) Every licence shall be granted for a period of five years from the date of issue of the licence and shall thereafter be renewed for a period of five years at a time :

Provided that, no licence shall be granted for any period beyond the 31st day of December of the fourth year next following the year in which licence is granted.

6. *Renewal of licence.*—(1) Every licence desiring to get his licence renewed for a further period of five years shall before the date of expiry of the licence apply for the renewal to the licensing authority in Form 'B'. Every such application shall be accompanied be a fee of Rs. 500 per commodity.

(2) No application for renewal made after the date of expiry of the licence shall be entertained by the licensing authority :

Provided that, if such application is made after the expiry of the licence and before 31st January in the next year and if the licensing authority is satisfied that the applicant could not apply for renewal of the licence before the date of expiry thereof for sufficient reasons, the licensing authority may entertain the application and renew that licence.

7. *Issue of duplicate licence.*—If a licence held by the licensee is defaced, lost or destroyed, an application furnishing true and correct information in such form as may be required by the licensing authority may be made to it for obtaining a duplicate licence. A fee of Rs. 100- per commodity shall be payable alongwith such application. The licensing authority may, after making such enquiry as it may think fit, issue a duplicate licence within 30 days from the date of receiving the application.

8. *Deposit of security.*—Save as otherwise provided in clause 18, every wholesale dealer applying for a licence shall before such a licence is issued to him deposit with the licensing authority, an amount of Rs. 5000 in cash by way of security deposit for the due performance of the conditions subject to which the licence may be issued to him.

9. *Power to refuse to issue or renew licence.*—The licensing authority may after giving the wholesale dealer concerned an opportunity of stating his case and for reasons to be recorded in writing refuse to issue a licence to him or to renew the licence issued to him.

10. *Fixing of Limit of Stock.*—(1) (i) Maximum stock of wheat to be stored by licensed Roller Flour Mills. —Notwithstanding anything contained in any order, no Roller Flour Mill licensed under this order shall hold at any one time stock of wheat exceeding forty five days grinding capacity.

(ii) Maximum stock of rice to be stored by a licensed Rice Mills.—

Notwithstanding anything contained in any order, no Rice Mill licensed under this order shall hold at any one time stock of rice whether husked or otherwise exceeding forty five days milling capacity.

(iii) Maximum stock of pulses to be stored by licenced producer of pulses.—

(a) Notwithstanding anything contained in any order, no producer of pulses licenced under this order shall hold at any time stock of unmilled pulses one-nineth of the maximum quantity of pulses used by him in any one year of the last three years or one-nineth of the quantity of pulses that would be required for producing the quantity of equal to annual capacity for a producer who has commenced production after the commencement of this order.

(b) Notwithstanding anything contained in any order, no producer of pulses license under this order shall hold at any time stock of milled pulses One-eighteenth of the maximum quantity of pulses used by him in any one year of the last three year or one-eighteenth of quantity of pulses that would be required for producing the quantity of equal to capacity for a producer who has commenced production after the commencement of this order.

(iv) Maximum stock of edible oil seeds to be stored by a licensed producer of edible oils.—Notwithstanding anything contained in any order, no producer of oils license under this order shall hold at any time stock of edible oil seeds one ninth of the maximum quantity of edible oil seeds used by him in any one year of the last three years or one-nineth of the quantity of edible oil seeds that would be required for producing the quantity of equal to annual capacity for a producer who has commenced production after the commencement of this order.

(v) Maximum stock of edible oil to be stored by the licensed producer of edible oils.—Notwithstanding anything contained in any order, no producer of edible oils license under this order shall hold any time stock of edible oils one-eighteenth of the maximum quantity of edible oils used by him in any one year of the last three years or one-eighteenth of the quantity of edible oils that would be required for producing the quantity of equal to annual capacity for a producer who has commenced production after the commencement of this order.

(2) (i) Maximum stock of wheat to be stored by a licensed wholesale dealers.—Notwithstanding anything contained in any order, no licensed wholesale dealer under this order shall hold at any time wheat stock exceeding three hundred fifty metric tonnes in Municipal Corporation Area and two hundred metric tonnes in other areas of the State for a maximum period of thirty days and shall also submit the fortnightly returns to the Licensing Authority of the stock, receipt and deliveries of wheat:

(ii) Maximum stock of rice to be stored by a licensed wholesale dealers.—

Notwithstanding anything contained in any order, no licensed wholesale dealer under this Order shall hold at any time rice whether husked or otherwise stock exceeding three hundred fifty metric tonnes in Municipal Corporation Areas and two hundred metric tonnes in other areas of the State for a maximum period of thirty days and shall also submit the fortnightly returns to the Licensing Authority of the stock, receipt and deliveries of rice.

(iii) Maximum stock of Pulses to be stored by a licensed wholesale dealer Notwithstanding anything contained in any order, no licensed wholesale dealer under this order shall hold at any time Pulses stock exceeding three hundred fifty metric tonnes in Municipal Corporation Areas and two hundred fifty metric tonnes in “A” Class Municipality Area and one hundred fifty metric tonnes in other areas of the State for a maximum period of thirty days and shall also submit the fortnightly returns to the Licensing Authority of the stock, receipt and deliveries of pulses (All pulses taken together excluding Kabuli chana).

(iv) Maximum stock of Edible Oil Seeds to be stored by a licensed wholesale dealers.—Notwithstanding anything contained in any order, no licensed wholesale dealer under this order shall hold at any time Edible Oil Seeds (including groundnut in shell) stock exceeding two hundred metric tonnes in Municipal Corporation Areas and eighty metric tonnes in other areas of the State (For groundnut kernel or seeds seventy five percent limits specified shall apply) for a maximum period of thirty days and shall also submit the fortnightly returns to the Licensing Authority of the stock, receipt and deliveries of edible oilseeds.”

(v) Maximum stock of Edible Oils to be stored by a licensed wholesale dealers.—Notwithstanding anything contained in any order, no licensed wholesale dealer under this order shall hold at any time Edible Oils (including Hydrogenated vegetable oils) stock exceeding one hundred metric tonnes in Municipal Corporation Areas and thirty metric tonnes in other areas of the State (All oils including Hydrogenated vegetable oils) for a maximum period of thirty days and shall also submit the fortnightly returns to the Licensing Authority of the stock, receipt and deliveries of edible oils :

Provided further that an exporter shall be entitled to hold stock of seeds or pods in the following proportion in addition to the normal storage limits.

Serial No.	Particulars	(Quantity in Metric Tons)	
		For every export contract	Stock exemption for raw material requirement (seeds or pods)
(1)	(2)	(3)	(4)
1	Sunflower extraction	1,000	1,670
2	Groundnut extraction	1,000	1,790
3	Soya extraction	1,000	1,210
4	H.P.S. Groundnut Kernels	1,000	2,500
5	Sesame Seed	1,000	1,250
6	Mustard/rapeseed extraction	1,000	1,695

The above exemption shall be subject to the production of the following documents, namely :—

- (a) Copy of the Export Order or Contract from the export buyer.
- (b) Certified copy of the registering Authority registering the export contract.

(vi) Maximum stock of sugar to be stored by the licenced wholesale dealers. Notwithstanding anything contained in any order no licenced wholesale dealers under this order shall hold at anytime sugar stock exceeding two hundred metric tonnes in any area of the State for a maximum period of thirty days and shall also submit the fortnightly returns to the licensing authority of the stock, receipt and deliveries of sugar ;

(vii) Maximum stock of Gur to be stored by a licensed wholesale dealer. Notwithstanding anything contained in any order no licenced wholesale dealers under this order shall hold at any time Gur stock exceeding one hundred metric tonnes in any area of the State for a maximum period of thirty days and shall also submit the fortnightly returns to the licensing authority of the stock, receipt and deliveries of Gur ;

(viii) Maximum stock of Khandsari to be stored by the licenced wholesale dealers. Notwithstanding anything contained in any order no licenced wholesale dealer under this order shall hold at any time Khandsari stock exceeding two hundred metric tonnes in any area of the State for a maximum period of thirty days and shall also submit the fortnightly returns to the licensing authority of the stock, receipt and deliveries of Khandsari :

Provided further that, the imported Foodgrain, Pulses, Edible Oils, Edible Oilseed, Sugar, Gur and Khandsari under Open General licence is exempted from the stockholding limit and further extended to the exporter who export Edible Oils, Edible Oilseed, Rice is exempted from stock holding limit :

Provided further that, the State Government shall be competent to grant exemption from the stock holding limitation to co-operative societies dealing in Food grains, Sugar, Gur, Khandasari, Pulses, Edible Oilseeds and Edible Oils.

11. *Contraventions of conditions of Licence.*—(1) No licensee or his agent or servant or any other person acting on his behalf shall contravene any of the terms and conditions of the licence.

(2) If the Licence authority is satisfied that any such licensing or his agent or servant or any other person acting on his behalf contravene any of the said terms or conditions, it may, without prejudice to any other action that may be taken against him, by order in writing cancel or suspend his licence either in respect of all scheduled commodities covered by it or in respect of such of close commodities as it may think fit :

Provided that, no order shall be made under this clause, unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or, suspension as the case may be.

12. *Forfeiture of security deposit.*—(1) Without prejudice to the provisions of clause 11, if the licensing authority is satisfied that the licensee has contravened any of the terms of conditions specified in the licence and that a forfeiture of the security deposit is called for, it may, after giving the licensee a reasonable opportunity of stating his case against such forfeiture, by order in writing forfeit the whole or any part of the security deposit deposited by him and communicate a copy of such order to the licensee :

Provided that, where a cancellation of the licence is duly ordered by licensing authority, the order of cancellation shall also be accompanied by an order forfeiting the entire deposit.

(2) If licensee carries on business as a wholesale dealer after the date of expiry of his licence without applying for renewal thereof before that date then.—

(i) where the licensee applies for the renewal of his licence before the 31st day of January of the said year next following the date of expiry of the licence, the licensing authority may, by order in writing forfeit to Government twenty five per cent of the security deposit by him or her ;

(ii) where the licensee does not apply for the renewal of his licence before the 31st day of January of the said year, it may by order in writing forfeit to Government the whole of the security deposit deposited by him :

Provided that, no order shall be made under this clause, unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension, as the case may be.

(3) If by reason of forfeiture under sub-clause (1) or sub-clause (2), the amount of security deposit kept by the licensee falls short of the amount required to be deposited further security to make that amount required to be deposited by him under clause 8, he shall, on being required to do so, forthwith deposit further security to make up that amount.

(4) If, at any time, the licensee surrenders his licence to the licensing authority or if within thirty days from the date of expiry of his licence, he gives an intimation to the licensing authority that he does not desire to continue his business as a wholesale dealer, in any of the scheduled commodities, the licensing authority shall return to the licensee the whole of the amount of the security deposit deposited by him, or, as the case may be such part thereof as has not been forfeited earlier.

13. *Maintenance of register of transactions.*—Every licensee shall maintain a register of transactions as laid down in the terms and conditions of his licence and show therein the names, addresses and such other particulars of transactions as the licensing authority may specify.

14. *Form of the returns and time and manner of sending it.*—Every licensee shall in respect of each commodity submit to the licensing authority a true return in form 'D' every month, so as to reach the licensing authority within five days after the closer of that month.

15. *Power of entry, examination, search, seizure, etc.*—(1) With the view to securing compliance of this order or satisfying himself that this Order has been complied with, any police officer not below the rank of Sub-Inspector, or any officer of Government in the food and Civil Supplies Department or a Rationing Inspector in the Mumbai Rationing Area and elsewhere, the Supply Inspector, within their respective jurisdiction, may,—

(i) stop and search any person or any boat, vessel, motor or other vehicle or any receptacles used or intended to be used by licensee ;

(ii) enter, search or examine any place ;

Provided that, in exercising the power of entry due regard shall be paid by such officer to the social and religious customs of the occupants of the premises;

(iii) seize, -

(a) any stock of scheduled commodities in respect of which he has reasons to believe that a contravention of any provisions of this Order has been, is being, or is about to be committed;

(b) any package, coverings or receptacles in which such stock of any scheduled commodity is found;

(c) the vehicles, vessels, or other conveyances used in carrying any scheduled commodity if he has reason to believe that such vehicles, vessels or other conveyances are liable to be forfeited under the provisions of the Essential Commodities Act, 1955 (10 of 1955) ; and

(d) take or authorise the taking of the all measures necessary for securing the production of the package, coverings, receptacles, vehicles, vessels or other conveyances so seized, before the Controller of Rationing in the Mumbai Rationing Area, and elsewhere the Collector of the District or the judicial authority appointed to hear appeal under section 6-C of the said Act, if required to do so, and for their safe custody pending such production;

examine or seize any books of accounts or documents which in his opinion would be useful, for or relevant to, any proceedings in respect of any contravention of this Order and allow the persons from whose custody such books of accounts or documents are seized to take copies thereof or to take extract there from in his presence.

(2) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

16. *Appeal.*—(1) Any person aggrieved by any order of the licensing authority refusing to issue or to renew a licence or the cancelling or suspending a licence or forfeiting the security deposit deposited by him under the provisions of this order, may appeal in the Mumbai Rationing Area, to Government and elsewhere to the Deputy Commissioner (Supply) of the Division.

(2) Every such appeal shall be made within thirty days of the date of receipt of the order appealed against, by the person appearing :

Provided that the appellate authority may admit an appeal after the expiry of the said period if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within the said period.

(3) No order shall be made by the appellate authority under this clause unless the aggrieved person has been given reasonable opportunity of stating his case.

(4) Pending the disposal of the appeal, the appellate authority may direct that the order of the licensing authority shall not take effect until the appeal is disposed off.

17. *Review of revision.*—(1) Government may, at any time before the expiry of one year from the date of any order passed by the licensing authority or any other competent authority under this order, call for the records of the proceedings underlying such order for the purpose of satisfying itself as to the legality of propriety of such order or as to the regularity of such proceedings and it shall appear to the State Government that such order or proceedings should be modified annulled or confirmed, it may pass such order as it deem fit :

Provided that, no order shall be made under this clause unless the person who is likely to be aggrieved thereby has been given a reasonable opportunity of stating his case.

(2) Pending the disposal of review or revision proceedings under this clause the State Government may direct that the order passed by the licensing authority or other competent authority shall not take effect until an order is passed by it.

18. *Special Provisions in respect of persons holding existing licences.*— (1) Every person holding an existing licence and intending to carry on business as a wholesale dealer in any of the scheduled commodities after the commencement date shall within ninety days from the commencement date, surrender his existing licence to the licensing authority and can obtain in exchange thereof from that authority, a licence under this order.

(2) A person applying for licence under this order in exchange of his existing licence may also apply to the licensing authority to adjust the amount of the fees paid and the amount of security deposit and amount of renewal fee paid shall be deposited in respect of his existing licence towards the amount of the fees and the amount of the fees and the amount of security deposit required to be paid by him in respect of the licence under this order.

(3) On receipt of an application under sub-clause (2) for adjustment of fees and an amount of security deposit paid by the applicant in respect of an existing licence the licensing authority shall determine the amount to be adjusted and shall refund to the applicant or, as the case may be, require the applicant to pay, the difference between the amount paid by the applicant in respect of the existing licence and the amount required to be paid by him in respect of the licence applied for.

19. *Cessor of certain orders on commencement date.*—On and from the commencement date of the Maharashtra Scheduled Commodities Wholesale Dealer's Licencing Order, 2015 :

Provided that, such cessor shall not affect.—

(i) the previous operation of the said licensing order or anything duly done or suffered thereunder, or

(ii) any right, privilege obligation or liability acquired, accrued or incurred under any of the said licensing order ; or

(iii) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the said licensing orders ; or

(iv) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued, or enforced and any such penalty, forfeiture or punishment, may be imposed as if this order had not been made.

FORM 'A'

[See clause 4 (i)]

Application for grant of a licence under Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order, 2015.

(Instruction to the Applicant for filling in the form)

- (1) All entries recorded in the application form should be legible and written in ink in the same language as that of the application form.
- (2) All entries in application form must be filled in. Where information is 'NIL', Not applicable, etc. should be so written, instead in leaving the space blank.
- (3) Where the applicant's name, profession, etc. is required to be mentioned use of abbreviations should be avoided.
- (4) While furnishing details of a pending prosecution the name of the court, last date of hearing and the stage of the case should be given in a separate sheet if the space provided in the form is found to be inadequate. Mention of such separate sheet being attached should, however, be made in the answer to item 10 in the application form.
- (5) The addresses of the godowns or business premises within the jurisdiction of the licensing authority should only be mentioned.
- (6) If on investigation, the information furnished is found to be false or substantially suppressed, the applicant will under himself liable for penal action, and the licence already issued will be subject to cancellation.
- (7) If the applicant holds an existing licence on the date of the application for any part of the period which is covered by the licence applied for he may apply to licensing authority to adjust the amount of licence fees and of the security deposit paid by him in respect of the existing licence towards the licence fees and the security deposit required to be paid by him in respect of the licence applied for.
- (8) The licence, if he so desired his licence will be delivered to him at his address, on payment of Rs. 50 towards postal expenses along with licence fee.

To,

Licensing Authority,

Sir,

I/We _____ request that I/We may be granted a licence to carry on business as a wholesale dealer in the following scheduled commodities :—

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)

}

(here mention the Scheduled Commodities in which the applicant desires to carry on business as a wholesale dealers).

I/We furnish below the requisite particulars which to be best of my/our knowledge are true.

- (1) Name of Applicant :
- (2) Name and Address of the business of Applicant :
- (3) Applicant's residential address :
- (4) Details place or places of Business, Home No. Galli, Town or Village, Police Station and District. :
- (5) From when applicant is doing business of Scheduled Commodities. :
- (6) Mention trade or any other licence is obtained by applicant from Municipal Corporation / Municipal Council/ Zilla Parishad / Panchayat Samiti / Village Panchayat or other local body. If yes, then mention its No. and Date. :
- (7) Whether applicant hold any licence of Schedule Commodity. If yes, then details regarding its suspension or cancellation. :
- (8) Details of business of the scheduled commodity carried out in last three years. :
- (9) Details of business of Schedule commodities that would be carrier out in the current year. :
- (10) Income tax paid in last two years prior two application (show separately). : (1)
: (2)
- (11) Details of the Schedule Commodities held by the applicant at the time of application and also mentioned the quantity kept at various places (show quantity separately for each commodities).

I/We declared that, the quantity of the above mentioned scheduled commodities is in my possession and they are kept in places mention in front of them.

I/We have carefully read the conditions of the licence as mentioned in the licence form 'C' appended to the Maharashtra Scheduled Commodities Wholesale Dealers' Licensing Order, 2015 and I/we agree to abide by them and also agree to abide by the instructions/directions which may be issued by Government or the licensing authority from time to time.

*(a) I/We am/are not applied for such licence in the district.

*(b) I/We have applied for such licence in the district on (date) and on (date) licence was *not or sanctioned.

Signature of the Applicants.

FORM 'B'

[See clause 6 (1)]

Application for renewal of a licence issued under the Maharashtra Scheduled Commodities
Wholesale Dealers' Licensing Order, 2015.

To,

(Here specify the name of the Licensing Authority)

Sir,

I/We _____ (here mention name of the applicant)

hereby request that my/our Licence No. _____ dated the issued to me/us on the dated
was given as wholesale dealer may be renewed for further period of five years from the dt.
(Here mention the date from which the renewal is sought being the date immediately next after
the last date.) Its validity or expiry on dt. _____ (Here mention the last date of validity or expiry
of the licence.)

1. I / We request that following entries in the licence used to be modified as indicated below
against each entry :-

Existing entry	Change desired
(1)_____	(1)_____
(2)_____	(2)_____
(3)_____	(3)_____

2. I /We hereby declare and state that the particulars furnished by; me / us in the application
for grant of licence still held good in respect of item No. 1,2,3,4,5,6,9, 10, 11 and 12, The particulars
furnished by me / us in respect of items 7, 8_____are us under :-

(Here mention any other items numbers, if necessary)

Items number	Present position.
(1) (7)	
(2) (8)	
(3) Any other item	

3. I/We hereby declare that all the other particulars mentioned in the Licence to be renewed
need no deletion or addition or modification.

Date :

Signature of Applicant

(For Office Use)

(1) Date of receipt of this application.

(2) Renewal fee of Rs. _____ received.

(3) Applicant called on dt. _____

*(a) Licence number _____ renewed and issued to do applicant on

*(b) Request for renewal of licence rejected / Received the licence duly renewed.

Date :

Signature of the Applicant.

FORM 'C'

[See clause 4 (2)]

Under the Maharashtra Scheduled Commodities wholesale Dealer's Licensing Order, 2015.
Licence No. _____

1. Subject to the provisions of the Maharashtra Scheduled Commodities, Wholesale Dealers' Licensing Order, 2015 and subject to the terms and conditions of this licence.- _____ is / are hereby authorised to sell or store for sale the under mentioned commodities as wholesale dealer, namely :-

Name of the Commodity Quantitative restrictions if any

(i) _____

(ii) _____

(iii) _____

2. (a) The licensee shall carry on the aforesaid business at the following place (full address to be furnished) :-

(b) The licensee shall not store the commodities in which the aforesaid business is to be carried on at any place other than the godowns mentioned below (full address to be furnished) :

Note: If the licensee intends to store the commodities in godowns other than those

specified above, the licensee shall give intimation of the actual occupation of any such godowns within forty-eight hours (Working hours) of the actual occupation thereof, and shall produce the licence for making change therein to the licensing authority.

3.(i) The licensee shall, except when specifically exempted by the Government or by the licensing authority in this behalf maintain a register of showing daily accounts correctly for each of the commodities.

(a) the opening stock of each day ;

(b) the quantities received on each day showing the place from where and the source from which received;

(c) the quantities delivered or otherwise removed on each day, showing the place destination; and

(d) The closing stock on each day.

(ii) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause, the burden of proving which shall be upon the licensee.

(iii) A licensee, who is a producer / manufacturer shall separately show the stock of the licence commodities produced by himself, in the daily accounts, if such stocks are stored in the premises.

4.(i) The licensee shall except when specifically exempted by the Government or by the licencing authority or by any officer duly authorised in this behalf, submit to the licencing authority a true return in Form "D" in respect of the commodities during every fortnight (1-15 and 16 to month end) mentioning average price of purchase, sale of each commodity in the fortnight boundary

of stock of each commodity so as to reach the licensing authority within three days after the closer of fortnight.

(ii) The licensee shall, except when specifically exempted by the Government or by the licensing authority or by any Officer duly authorised in this behalf, submit to the licensing authority a true in Form "D" in respect of each commodity received and delivered during every fortnight (1-15 and 16 to month end) so as to reach the licensing authority within three days after the close of the fortnight.

5. The licensee shall not contravene the provisions of the Maharashtra Schedule Commodity Wholesale Dealers Licencing Order, 2015 or other orders under the Essential Commodities Act, 1955 (10 of 1955).

6. The licensee shall not contravene the provision of any other law for the time being in force, relating to essential commodity or commodities.

7. The licensee—

(i) shall not enter into any transaction, involving purchased, sale or storage for sale of commodities in a speculative manner prejudicial to the maintenance and easy availability of supplies of the commodities in the local market;

(ii) shall not withhold from sale, supplies of the schedule commodities kept for sale.

(iii) shall not charge in respect of sales of commodities made by him, a margin of profit;

(a) in excess of margin of profit fixed, if any, by the Government under the Essential Commodity Act, 1955 (10 of 1955) (of security Act, 1962 of India) or by or under any other law for the time being in force; and

(b) where it is not to be fixed, in excess of the rate prevailing in the local market at the time of sale or at the rate in excess of any maximum rate fixed for wholesale transaction by the Government or the Central Government for Locality, District or State as a whole.

8. If the licensee is a wholesaler, then he will sell the schedule commodity generally to other wholesaler or retailer (and if he is a retailer also then to himself) And also he can sale to consumer the schedule commodity at wholesale rate in quantity of one gunny bag or more. He will maintain record of each sale to wholesaler or retailer or customer in separate note book and same to be made available for inspection on demand by the licencing authority or any other officers duly authorized in this behalf.

9. The licence shall exhibit at the business premises, the price list of the commodities held by him for sale. Such price list shall be legibly written in the principal language of the locality concerned. It shall indicate separately the selling prices of different varieties of the commodities.

10. The licensee must issue to every customer, a correct receipt or invoice or cash memo, as the case may be, for any sale three Kilograms/ three kilolitres or more sale of schedule commodity mentioning his own name, address, licence number, customers' name and address and licence No. (if any) date of transaction, the quantity sold, the price per/litre/package/tin and total amount charged and/keep duplicate of the same to be made available for inspection on demand by the licensing authority or any other officer duly authorised in this behalf of.

11. The licensee shall give all facilities at all reasonable times to the licensing authority or any other officer duly authorised by him or by Government for inspection of stocks and accounts at the shop, godown or any other place, used by him for storage, sale or purchase and for taking of samples for examination.

12. The licensee shall comply with any directions that may be given to him by the Government or by the licensing authority, in regard to purchase, sale and storage for sale for the commodities and in regard to the language in which the register, returns, receipts or invoice mentioned in paragraphs (3) (4), and (10) shall be written and the authentication of maintenance of the same.

13. The licensee shall take adequate measure to ensure that the schedule commodities stored by him are maintained in good condition and that damage to them due to ground moisture, rain, insects, rodent, birds, fire and the like causes is avoided. Suitable dunnage shall be used to avoid

damage from ground moisture, fertilisers, insecticides and poisonous chemicals likely to contaminate shall not be stored along with such commodities. It shall be further ensured that at the time of sale, the said commodities are in good condition for human consumption.

14. The original license is to be attached with the application for renewal.

15. This licence is valid up to dated

Place :

Date :

Signature of the
Licensing Authority.

FORM 'D'

(For use by licensee)

[See Clause 15]

Return of Stocks, receipts and sales for the fortnight dated 2015

To,

The Licensing Authority,

Name _____ Licence No. _____

Address _____ Particulars _____

_____ Godown _____

(Quantity in quintals)

Licence No.	Licence No.	
Commodities Foodgrains	Commodities Pulses	
variety	Varieties Pulses Dals	(Whole)
Opening Stock	Opening Stock	
Purchase	Purchase	
Sale	Sale	
Closing Stock	Closing Stock	
Licensing No.	Licensing No.	
Licence No.	Licence No.	
Commodities Edible Oils	Commodities	
	Other Commodities	
Variety Edible Oils	Varieties Sugar Gur Khandsari	
	& Vanaspati	
Oils Seeds		
Opening Stock	Opening Stock	
Purchase	Purchase	
Sale	Sale	
Closing Stock	Closing Stock	

Schedule

(Schedule Commodities)

[See Clause 2 (Y)]

1. Foodgrains

- (i) Wheat
- (ii) Paddy (Rice-in-husk)
- (iii) Rice (husked)
- (iv) Jowar
- (v) Bajri
- (vi) Milo
- (vii) Sorghan

2. Sugar —

3. Gur and Khandsari —

4. Oil Seeds —

- (i) Groundnut
- (ii) Sun Flower or Khardi
- (iii) Sesamum or Till
- (iv) Cottonseed
- (v) Sunflower
- (vi) Mustard
- (vii) Linseed
- (viii) Soyabean
- (ix) Copra
- (x) Khurasani and Nigersed.

5. Oils—the Palmolein Oil, Rapeseed Oil or any other Oils prepared from OilSeeds specified above (whether raw, filtered or refined).

6. Pulses —

- (i) Urd
- (ii) Moong
- (iii) Arhar
- (iv) Masoor
- (v) Lohis/Lobia
- (vi) Rajmha
- (vii) Gram
- (viii) Peas and any other pulses which is not included in the list.

7. Hydrogenated Vegetable Oils—Any Vegetable Oils subjected to a process of hydrogenation.

*Note.— The licensee shall not either by himself or by any other person on his behalf store or have in possession at any time any Commodity mentioned in Schedule in quantity exceeding the limits fixed under clause 10.

****Note.—** : The Central Government is empowered to impose prescribed stock holding limits on specific Scheduled Commodities from time to time, Only these commodities require licence under Maharashtra Scheduled Commodities licensing Order, 2015.

By order and in the name of the Governor of Maharashtra,

SATISH SHRIDHAR SUPE,
Deputy Secretary to Government.